

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On its Own Motion	:	
	:	
Certification Requirements Applicable to	:	12-0212
Vendors that Install Electric Vehicle	:	
Charging Stations	:	
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**STAFF OF THE ILLINOIS COMMERCE COMMISSION'S
INITIAL VERIFIED COMMENTS**

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Staff of the Illinois Commerce Commission ("Staff"), by and through its undersigned counsel, respectfully submits its Initial Verified Comments ("Staff's Comments") in support of a proposed Illinois Commerce Commission ("Commission") rule establishing certification requirements for entities installing, maintaining or repairing Electric Vehicle ("EV") charging stations. A draft of Staff's proposed rule is included as an attachment to Staff's comments.

I. BACKGROUND

On October 31, 2011, Public Act 97-0616 ("PA 97-0616") became effective. Among other things, PA 97-0616 added Section 16-128A to the Public Utilities Act ("Act"). Section 16-128A was subsequently amended by Public Act 97-1128 on August 28, 2012. Section 16-128A(d) requires the Commission to establish certification rules applicable to installers, maintainers and repairers of EV charging stations: "Within 180 days after the effective date of this amendatory Act of the 97th General Assembly, the Commission shall initiate a rulemaking proceeding to establish certification

requirements that shall be applicable to persons or entities that install, maintain, or repair electric vehicle charging stations.” 220 ILCS 5/16-128A(d).

On March 12, 2012, Staff filed a report recommending that the Commission open a rulemaking proceeding to adopt EV charging station certification rules. The Commission opened the proceeding on March 21, 2012.

Staff drafted and solicited written comments on an initial proposed certification rule that Staff refers to as the “IMR Rule” (i.e., “Installer, Maintainer, and Repairer Rule”). Staff then convened three workshops to discuss the written comments and subsequently revise draft rules. The attached proposed draft IMR Rule takes into consideration the comments and workshop discussions; however, some portions of the draft IMR Rule may reflect Staff’s recommendations only.

The proposed IMR rule is generally modeled after other Commission energy-related certification/licensing rules contained in Title 83 of the Illinois Administrative Code and pending rules, including Part 451 (Certification of Alternative Retail Electric Suppliers) (83 Ill. Adm. Code 451), Part 454 (Licensure of Retail Electric Agents, Brokers and Consultants) (Ill. Adm. Code 454); Part 551 (Certification of Alternative Gas Suppliers) (Ill. Adm. Code 551); and, the pending Distributed Generation certification rule that is presently under consideration in Docket No. 12-0213. Staff notes that under these rules certification/licensing applications are filed with the Commission’s Chief Clerk’s Office, assigned to an Administrative Law Judge and approved or denied by the Commission. Staff recommends that a similar process be used for certification applications that are submitted under the IMR Rule.

The IMR Rule proposes that entities – i.e., businesses or individuals that are in the business of installing, maintaining or repairing electric vehicle charging stations – would apply for certification, rather than individual employees of those businesses. However, an entity seeking certification must certify that only “Qualified persons,” as that term is defined in the proposed rule, or individuals that are supervised by qualified persons, would perform IMR installations. Individuals being supervised by qualified persons are required to have completed an apprenticeship as an electrician from a United States Department of Labor Registered Electrical Apprenticeship and Training Program and received a certification of satisfactory completion, or be enrolled in a registered Department of Labor electrical apprenticeship program.

II. DISCUSSION OF PROPOSED RULE

A Section-by-Section discussion of the proposed IMR Rule follows.

Section 469.10 Definitions

This section defines terms used in the proposed rule, including the following:

“Directly supervised”: The proposed rule would permit an apprentice enrolled in a United States Department of Labor Registered Electrician Apprenticeship and Training Program to perform installations, maintenance, and repair of EV charging stations as long as the apprentice is supervised at the job site by a qualified person who is available for consultation and review of the apprentice’s work.

“Install”, “Maintain” and “Repair”: These terms refer to major activities and actions required to connect, keep, and restore safe condition and operation to the various electrical devices and apparatuses mounted at the premises that are directly

involved in delivering energy from the premises wiring to the electric vehicle charging station.

“Qualified person”: The proposed IMR Rule requires an entity seeking certification to state that it will only permit qualified individuals to complete installations or persons enrolled in a specified training program that are supervised by a qualified person. A qualified person is an individual who can provide proof of completion of an apprenticeship as an electrician from a United States Department of Labor (“DOL”) Registered Electrical Apprenticeship and Training Program.

“Self-installer”: This term is defined in Section 16-128A(d) and refers to an individual who leases or purchases an EV charging station for his or her own personal use and installs the EV charging station on his or her own premises without the assistance of any other person.

Section 469.20 Applicability

This Section states that, with the exception of self-installers, all persons or entities must receive certification from the Commission prior to installing, maintaining or repairing EV charging stations in the State of Illinois.

Section 469.30 Application Procedures

This Section states that certification applications should be filed with the Chief Clerk of the Commission in a manner consistent with the Commission’s Rules of Practice (83 Ill. Adm. Code 200). The appropriate fee should be submitted with the application.

Section 469.40 Required Application Information

Section 469.40 lists the information that an Applicant must submit to the Commission. The application must include proof that the individuals who will be deemed to be qualified persons have the requisite qualifications to be accorded that status.

Section 469.50 Certification Requirements

This Section states that an applicant must make a number of certifications to obtain certification under the IMR Rule. The certifications include the following: An applicant must: (1) remain in compliance with all applicable laws and regulations, including municipal licensing and bonding requirements; (2) ensure that its employees and contractors comply with applicable building codes and the charging station manufacturer's installation instructions; (3) ensure that it will only install EV charging stations that meet industry standards; and (4) ensure that all installations will only be performed by qualified persons or persons who are supervised by qualified persons.

Section 469.60 Certifications Conditioned Upon Compliance

This Section states that certification is conditioned upon compliance with the IMR Rule and Sections 16-128(a) and 16-128(A) of the Act. Violations of these laws and regulations are subject to various types of sanctions.

Section 469.70 Annual Recertification and Reporting

Staff proposes that each certificate holder annually certify to the Commission, via a Recertification Report, that it continues to maintain the qualifications for the service authority granted in its certificate. The report should confirm the certificate holder's continuing compliance with all applicable requirements set forth in the IMR rule and the

Act. The report should also include a list of all persons who installed charging stations during the previous calendar year and, for each person, the year the IMR first provided the installers' qualifications. Additionally, the IMR is required to provide a current list of qualified persons and the date that the IMR first provided each qualified person's qualifications. The report should include copies of the DOL certificate of satisfactory completion for all installers and qualified persons that were not previously provided. Section 469.70 also proposes that the report include information about the facilities that the certificate holder installed during the calendar year.

Section 469.80 Complaint Procedures

This Section states that complaints should be filed in conformance with Commission rules.

Section 469.90 Commission Oversight

Section 469.90 states that the Commission may investigate all activities covered under the IMR Rule and that the Commission shall issue penalties to entities that install EV charging stations without first obtaining Commission certification.

Section 469.100 Maintenance of Records

Section 469.100 states that each certificate holder is to maintain records for a period of a minimum of three years and that the records should be made available to the Commission or Commission Staff upon request.

Section 469.110 Fees

The Commission is permitted to impose reasonable certification fees on applicants seeking certification under the proposed rule (Section 16-128A(d)(4)). In the interest of not stifling the growth of the EV charging station installation industry, Staff proposes that applicants only be subject to nominal fees. Staff proposes an application fee of \$50, a \$10 fee late fee (the minimum fee is \$100; however, a certificate holder would be granted a 30-day grace before late fees would apply)¹, and a returned check fee of \$25.

Section 469.120 Obligations of Electric Utilities, IMRs and Retail Customers

Section 16-128A(d) imposes notification requirements on IMRs and retail customers. The notification requirements applicable to retail customers must be specified in each electric utility's tariffs. Staff proposes that each electric utility's tariffs also include the notification requirements listed in Section 16-128A(d)(11) that IMRs notify the servicing electric utility in writing of planned and completed charging station installations. Section 469.120 also includes other notification requirements applicable to IMRs.

Section 469.120 Initial Compliance Date

The proposed initial date for compliance with the IMR Rule is January 1, 2014.

¹ Staff proposes that Recertification Reports be due on April 1st, of each year, but that certificate holders would have a 30-day grace period before late fees are imposed. Thus, reports that are filed prior to April 30 would not be subject to late fees. Reports filed after April 30 would be subject to a minimum fee of \$100. Thus, reports filed between May 1st and May 10th would be subject to a \$100 later fee; a report filed on May 11th would be subject to a \$110 fee, and so on.

III. CONCLUSION

Staff respectfully requests that the Commission adopt Staff's proposed rule consistent with Staff's recommendations.

Respectfully submitted,

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